

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

LAURIE GARLAND,

Plaintiff,

v.

Case No. 20-cv-306-JWB

CHRISTOPHER REDEAGLE,
SHARON MCCOY,
PENNY LEWIS,

Defendants.

TRIAL SCHEDULING ORDER

This matter is scheduled for jury trial at 9:00 a.m. on January 9, 2023 at the United States Courthouse, Courtroom 1, Room 230, 5th & Okmulgee, Muskogee, Oklahoma. The court notifies the parties that due to scheduling constraints, this civil case is one of several being set for trial on this same date. The court will notify the parties of the order in which these cases will be called for trial at a later date. All such cases are required to be ready for trial on the foregoing date. If the cases ahead of this case in the trial sequence resolve prior to trial, then the parties in this case will be expected to proceed to trial as scheduled. Given the current schedule, the court does not expect to try more than one case this week. Accordingly, any cases not reached for trial at this setting, and not otherwise resolved, will be rescheduled for trial at a later date.

a) Final witness and exhibit disclosures are to be filed by both parties no later than 30 days prior to trial. All objections to these disclosures are to be filed within 7 days after the disclosure. Copies of exhibits may be used during trial in lieu of originals.

The parties shall exchange copies of exhibits at or before the time they are marked. All exhibits shall be marked no later than 7 business days before trial. The parties shall also prepare

lists of their expected exhibits for use by the courtroom deputy and the court reporter. Three (3) copies of the exhibit list and witness list shall be provided to the Court at the beginning of the trial; one for the judge, one for the courtroom deputy, and one for the court reporter. In marking exhibits, the parties shall use preassigned ranges of numbered exhibits. Exhibit Nos. 1-800 shall be reserved for Plaintiff; Exhibit Nos. 801-higher shall be reserved for Defendant. Each exhibit that the parties expect to offer shall be marked with an exhibit sticker, placed in a three-ring notebook, and tabbed with a numbered tab that corresponds to the exhibit number. The parties shall prepare exhibit books with copies of the exhibits to be provided to the judge and opposing counsel. During trial, all exhibits that have been admitted shall remain with the courtroom deputy unless the court directs otherwise.

Parties are expected to use presentation technology available in the courtroom to display evidence to the jury. Parties shall confirm, not later than the day prior to trial, that all exhibits intended to be published to the jury or the court in electronic format can be displayed through the court's presentation technology without interruption or delay so as not to interfere with the smooth and continuous flow of the trial. Counsel shall provide, in electronic format, any exhibits of documents, photographs, videos, and any other evidence that may be reduced to an electronic file no later than 7 days before trial for the use of Court personnel and the Court's Jury Evidence Recording System (JERS) during trial. Documents and photographs shall be in .pdf, .jpg, .bmp, .tif, or .gif format; video and audio recordings shall be in .avi, .wmv, .mpg, .mp3, .wma, or .wav format. Each electronic exhibit shall be saved as a separate, independent file and provided to the Court on a storage device, such as a cd, dvd, or flash drive. Exhibit files shall be named consistent with their order and name on the exhibit list. Detailed JERS instructions can be found on the undersigned judge's web page.

By no later than 5:00 p.m. each day of trial, counsel shall confer and exchange a good faith list of the witnesses who are expected to testify the next day of trial.

b) Motions in Limine are to be filed by both parties no later than November 28, 2022.

Responses to the Motions in Limine are to be filed by December 5, 2022. No replies will be filed.

c) No deposition testimony, other than that offered to impeach a testifying witness, shall be offered without leave of court. Any party wishing to present a witness by deposition shall file a motion for leave to do so not later than November 28, 2022. Any such motion shall specifically address reasons why the witness cannot be presented in person either in the courtroom or via live video transmission from a remote location. If leave is granted, any deposition testimony sought to be offered by a party other than to impeach a testifying witness shall be designated by page and line. Before filing any objections, the parties shall have conferred in good faith to resolve the dispute among themselves. Deposition testimony designations are to be filed by both parties no later than December 5, 2022. Any objections to the designations and counter designations shall be filed no later than December 12, 2022. All objections to counter deposition designations are to be filed no later than December 19, 2022.

Copies of depositions transcripts for which the parties have not been able to resolve their disputes after conferring in good faith shall be marked with different colored highlighting. Red highlighting shall be used to identify the testimony that Plaintiff has designated, blue highlighting shall be used for Defendant and green highlighting shall be used to identify the objections to any designated testimony with objections noted in the margin. An Index of the page numbers in the transcript the objection can be found shall be included. They are to be delivered to the trial judge no later than December 19, 2022. Following the Court's ruling on the objections, the parties shall then file the portions of the depositions to be used at trial. Deposition testimony of non-party

witnesses should not be designated unless they are not available for appearance, and will not appear, at trial.

d) Proposed Instructions (including a short summary of the parties' contentions and denials) and a proposed Verdict Form, which should be submitted as one jointly agreed upon set if possible, but if not shall be separately submitted with brief explanation and legal authority, shall be (in either case) filed no later than December 5, 2022, and objections to any proposed instructions are to be filed no later than December 12, 2022. **Parties should not submit stock instructions.** The parties are to email a copy of proposed instructions, in either Word or WordPerfect format, to chambers email account for use in preparing the final instructions.

e) If either of the parties choose to submit proposed voir dire questions for the Court, those should be filed no later than December 12, 2022. The Court will conduct the initial voir dire, but thereafter will allow each party 20 minutes to follow up with its own voir dire.

This matter is hereby scheduled for a pretrial conference and in limine hearing on January 6, 2023, at 10:00 a.m. This conference will be held in the Wichita, Kansas Federal Courthouse, 401 N. Market, Courtroom 238. At that time, the parties should be prepared to argue their motions in limine if asked to do so by the Court, and identify any other anticipated evidentiary problems or other issues regarding witnesses or exhibits.

s/ John W. Broomes
JOHN W. BROOMES
UNITED STATES DISTRICT JUDGE

SUMMARY OF DEADLINES AND SETTINGS

EVENT	DEADLINE/SETTING
Final witness and exhibit disclosures	30 Days before trial
Objections to final witness and exhibit disclosures	7 Days after disclosure
Exhibits marked, exchanged and electronic copy to court	7 Days before trial
Motions in limine	November 28, 2022
Responses to motions in limine	December 5, 2022
Motion for leave to present deposition testimony	November 28, 2022
Deposition designations (when leave granted)	December 5, 2022
Objections to designations and counter designations	December 12, 2022
Objections to counter designations	December 19, 2022
Deposition designations due to court with highlighting	December 19, 2022
Proposed instructions and verdict form	December 5, 2022
Objections to proposed instructions	December 12, 2022
Proposed voir dire	December 12, 2022
In limine hearing/status conference	January 6, 2023, at 10:00 a.m.
Jury Trial	January 9, 2023, at 9:00 a.m.